



#8/Response
Loyuan
Docket No.: 826.1587
AF/ QM/3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

7-15-03

In re the Application of:

T. MORI, et al.

Serial No. 09/487,265

Group Art Unit: 2955

Confirmation No. 2955

Filed: January 19, 2000

Examiner: A. ROBINSON-BOYCE

For: MESSAGE PROCESSING APPARATUS, MESSAGE PROCESSING SYSTEM
MESSAGE MANAGING METHOD, AND STORAGE MEDIUM STORING MESSAGE
MANAGEMENT PROGRAM

REQUEST FOR CLARIFICATION, WITHDRAWAL OF FINALITY
AND RESTART OF RESPONSE PERIOD

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In the Office Action mailed June 3, 2003, on pages 2 and 3, the Examiner rejected claims 23-27 under 35 USC § 112, 1st paragraph for failure to comply with the written description requirement. The Examiner alleged that the claims contain subject matter not described in the originally filed specification insufficient detail to convey possession of the claimed invention by the inventors. In particular the Examiner stated:

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Newly submitted claims 23-27 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The addition of "**indicating a ratio of persons who have completed the respectively assigned parts of the job among all the plurality of receivers of the message doing the job that is associated with the message**" is not supported by the specification.

(See Action of 6/3/3, page 3, bold emphasis added)

The Examiner also withdrew claims 23-27 from consideration for this basis.

The Examiner is requested to clarify this rejection and withdrawal from consideration. The Examiner did not reject other claims that include this exact same language. For example, see claim 1 set forth below:

1. A message processing apparatus, comprising:
an acquisition unit obtaining information indicating whether each of a plurality of receivers of a message, who in a group do a job associated with the message, has completed an assigned part of the job; and
a control unit, based on the information obtained by the acquisition unit, causing a terminal apparatus to display information **indicating a ratio of persons who have completed the respectively assigned parts of the job among all the plurality of receivers of the message doing the job that is associated with the message.**

(Bold emphasis added)

It would seem that if the identified language of claims 23-27 is not supported by the specification, the same language in the other claims, such as claim 1, would also not be supported by the specification and these claims should also be rejected and withdrawn from consideration. The Examiner is requested to clarify why claims 23-27 have been rejected and the other claims, such as claim 1 (15, and 21), have not been rejected under 35 USC § 112, 1st paragraph.

The Examiner is also requested to see figure 13 and pages 22-24 of the application where support for the language of claims 23-27 (and other claims, such as claims 1, 15 and 21) is found. In particular, the Examiner is requested to note the following text found on page 23 of the application:

The received message list 131 displays the number of receivers who have opened the message in the total number of receivers corresponding to the title of the message, the message opening rate, the number of receivers who have completed their jobs in the total number receivers, and the completion rate. Then, the transmitter or the receiver can be informed of the ratio of the receivers who have opened the message to all receivers, and how many receivers have completed their jobs according to the above-described information. In addition, the comment of a receiver in response to the received message, for example, the offered term, etc. of each receiver can be displayed by clicking a mouse, etc. at the title of the message.

(See specification page 23, lines 3-16)

The Examiner is requested to withdraw the rejection of claims 23-27 under 35 USC § 112, 1st paragraph in view of the above noted portions of the specification and drawings that clearly support the claims.

The Examiner is also requested to reverse the withdrawal of claims 23-27 from consideration and consider these claims in view of the above noted portions of the application.

The Examiner is further requested to restart the period for response in view of the

needed clarification and consideration of claims 23-27.

The Examiner is additionally requested to withdraw the finality of the Action. MPEP § 706.07 states:

Before final rejection is in order a clear issue should be developed between the examiner and applicant.

(See MPEP § 706.07)

The unclear status of claims 23-27 and the other claims, such as claim 1 that have the same problematic language, indicates that a clear issue with respect to claims 23-27 and similar claims (1, 15 and 21) has not been reached. For this reason, withdrawal of the finality is requested.

It is believed that no fees are required for the filing of this paper, however, if any fees are required they can be obtained from deposit account 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 7/8/3

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